

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

JASON LEE WUELLNER,

Plaintiff,

v.

Case No. 23-C-658

KADEN LAURENT,

Defendant.

---

**ORDER**

---

On May 25, 2023, Plaintiff Jason Lee Wuellner, who is a prisoner confined at Columbia Correctional Institution, filed a 42 U.S.C. §1983 case. Along with his complaint, he filed a motion for leave to proceed without prepaying the filing fee (*in forma pauperis*). On August 3, 2023, Wuellner paid an initial partial filing fee of \$5.00. A few weeks later, on August 21, 2023, he filed a notice of voluntary dismissal. Wuellner also inquired whether the Court could refund the \$5.00 payment. Although Wuellner voluntarily dismissed his case, 28 U.S.C. §1915(b)(1) requires any prisoner who brings a civil action *in forma pauperis* to pay the entire \$350 statutory filing fee over time. Accordingly, the Court cannot refund the \$5.00 payment, and Wuellner must pay the remainder of the \$350 filing fee over time.

**IT IS THEREFORE ORDERED** that the agency having custody of Wuellner shall collect from his institution trust account the \$345 balance of the statutory filing fee by collecting monthly payments from Wuellner's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2).

The payments shall be clearly identified by the case name and number assigned to this action. If Wuellner is transferred to another institution, the transferring institution shall forward a copy of this Order along with Wuellner's remaining balance to the receiving institution.

**IT IS FURTHER ORDERED** that copies of this order be sent to the officer in charge of the agency where Wuellner is located.

Dated at Green Bay, Wisconsin this 25th day of August, 2023.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge